

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION  
[www.flmb.uscourts.gov](http://www.flmb.uscourts.gov)

IN RE:  
Anthony Anibal Aleman and  
Maria Luz Rosario

Case No. 8:19-bk-02538-RCT  
Chapter 7

\_\_\_\_\_  
Debtors. \_\_\_\_\_/

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY  
RE: 12709 ENGLISH HILLS COURT, UNIT D, TAMPA, FL 33617**

**NOTICE OF OPPORTUNITY  
TO OBJECT AND FOR HEARING**

**Pursuant to Local Rule 2002-4, the Court will consider the relief requested in this paper without further notice or hearing unless a party in interest files a response within twenty-one (21) days from the date set forth on the attached proof of service, plus an additional three days for service if any party was served by U.S. Mail.**

**If you object to the relief requested in this paper, you must file a response with the Clerk of the Court at Sam M. Gibbons United States Courthouse, 801 N. Florida Avenue, Suite 555, Tampa, FL 33602, and serve a copy on the movant's attorney, Lindsey Savastano, c/o Shapiro, Fishman & Gaché, 2424 North Federal Highway, Suite 360, Boca Raton, Florida 33431, and any other appropriate person's within the time allowed. If you file and serve a response within the time permitted, the Court will either schedule and notify you of a hearing, or consider the response and grant or deny the relief requested without a hearing.**

**If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.**

Comes now Nationstar Mortgage LLC d/b/a Mr. Cooper, by and through its undersigned attorneys, moves the Court for an Order Granting Relief from the Automatic Stay pursuant to 11 USC 362(d)(1) and 11 USC 362(d)(2)(A) and in support thereof would show:

1. This is a motion pursuant to Bankruptcy Rule 4001(a) for Relief from the automatic stay provisions of Section 362(a) of the Bankruptcy Code.

2. Nationstar Mortgage LLC d/b/a Mr. Cooper, is a secured creditor by virtue of a promissory note, mortgage, and assignment of mortgage(s) which is attached to this motion as **Exhibit “A”** on real property. Said real property has the following legal description: Unit No. D, Building 12709, Building Type C, Of Raintree Oaks, A Condominium, According To The Declaration Of Condominium Thereof, Recorded In O.R. Book 17772, Page 952, And All Exhibits And Amendments Thereof, And Recorded In Condominium Plat Book 23, Page 180, Public Records Of Hillsborough County, Florida; Together With An Undivided Share In The Common Elements Appurtenant Thereto. The common address is: 12709 English Hills Court, Unit D, Tampa, FL 33617.

3. Debtor(s) filed this case on March 22, 2019.

4. The above referenced real property has been claimed by the Debtor(s) as Non-Homestead and has not been abandoned by the Trustee.

5. The approximate value of debt due is \$98,553.40.

6. The Hillsborough County Property Appraiser's website for the subject real property reflects a market value of \$49,684.00, **Exhibit “B”**

7. The payments due pursuant to the aforementioned note and mortgage have been in default, and remain in default since November 1, 2018.

8. That the Debtor failed to adequately protect the interest of the secured creditor.

9. That Nationstar Mortgage LLC d/b/a Mr. Cooper, is prohibited from proceeding with foreclosure in the State Court because of the pendency of this bankruptcy action, and that in the absence of the Court's Order allowing the secured creditor to proceed with the foreclosure action the security will be significantly jeopardized.

10. Nationstar Mortgage, LLC d/b/a Mr. Cooper also seeks relief to consider the Debtor for any short sale or deed in lieu of foreclosure as alternatives to proceeding with a judicial foreclosure action.

11. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, and itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

12. Pursuant to M.D. Fla. L.B.R. 9004-2(f) the estimated time required for hearing is five (5) minutes.

Wherefore, the Nationstar Mortgage LLC d/b/a Mr. Cooper, moves this Honorable Court for an Order granting relief from the automatic stay.

/s/Steven G. Powrozek  
Steven G. Powrozek  
FL Bar # 0316120  
Shapiro, Fishman & Gaché, LLP  
Attorney for Secured Creditor  
4630 Woodland Corporate Blvd.  
Suite 100  
Tampa, FL 33614  
Telephone: 813-367-5813  
Fax: (813) 880-8800  
E-mail: [spowrozek@logs.com](mailto:spowrozek@logs.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion for Relief from the Automatic Stay has been sent to the following on this 5<sup>th</sup> day of April 2019.

Anthony Anibal Aleman, 6041 Gibson Ave., Tampa, FL 33617

Maria Luz Rosario, 6041 Gibson Ave., Tampa, FL 33617

Alan D Borden, 901 West Hillsborough Avenue, Tampa, FL 33603

Christine L. Herendeen, Post Office Box 152348, Tampa, FL 33684

United States Trustee, 501 E. Polk Street, Suite 1200, Tampa, FL 33602

/s/Steven G. Powrozek

Steven G. Powrozek

FL Bar # 0316120

Shapiro, Fishman & Gaché, LLP

Attorney for Secured Creditor

4630 Woodland Corporate Blvd.

Suite 100

Tampa, FL 33614

Telephone: 813-367-5813

Fax: (813) 880-8800

E-mail: [spowrozek@logs.com](mailto:spowrozek@logs.com)